

Case 1:10-cv-02267-SHS Document 21 Filed 04/19/2010 Page 1 of 4

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document #

21

LINDNER

-v-

AMERICAN EXPRESS COMPANY

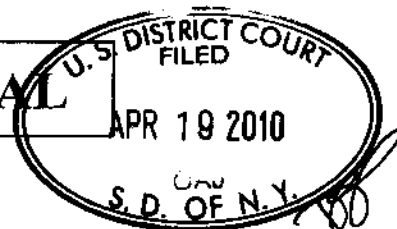
U.S.C.A. #

U.S.D.C. # 10 - cv - 2267

JUDGE : Sidney H. Stein

DATE : April 19, 2010

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME) : **THOMAS R. PISARCZYK**
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

(☒) ORIGINAL RECORD

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 19TH Day of April, 2010

Case 1:10-cv-02267-SHS Document 21 Filed 04/19/2010 Page 2 of 4

**UNITED STATES DISTRICT COURT
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LINDNER

-v-

AMERICAN EXPRESS COMPANY

U.S.C.A. # _____

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CLERK'S CERTIFICATE

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 through , inclusive, constitutes the Original Record On Appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 19TH Day of April, In this year of our Lord, Two Thousand and Ten, and the Independence of the United States this 234TH year.

J. Michael McMahon, Clerk

By _____

Deputy Clerk

APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-02267-SHS

Lindner v. American Express Company
Assigned to: Judge Sidney H. Stein
Cause: 28:1331 Fed. Question

Date Filed: 03/15/2010
Date Terminated: 04/06/2010
Jury Demand: None
Nature of Suit: 160 Stockholders Suits
Jurisdiction: Federal Question

Date Filed	#	Docket Text
03/15/2010	<u>1</u>	COMPLAINT against American Express Company. (Filing Fee \$ 350.00, Receipt Number 897009) Document filed by Peter W. Lindner. (rdz) (Entered: 03/16/2010)
03/15/2010		SUMMONS ISSUED as to American Express Company. (rdz) (Entered: 03/16/2010)
03/15/2010		CASE REFERRED TO Judge John G. Koeltl as possibly Related to 06-cv-3834. (rdz) (Entered: 03/16/2010)
03/17/2010		CASE DECLINED AS NOT RELATED. Case referred as related to 1:06-cv-3834 and declined by Judge John G. Koeltl and returned to wheel for assignment. (ldi) (Entered: 03/17/2010)
03/17/2010	<u>2</u>	NOTICE OF CASE ASSIGNMENT to Judge Naomi Reice Buchwald. Judge Unassigned is no longer assigned to the case. (ldi) (Entered: 03/17/2010)
03/17/2010		Magistrate Judge Andrew J. Peck is so designated. (ldi) (Entered: 03/17/2010)
03/17/2010		Mailed notice re: 2 Notice of Case Assignment/Reassignment to the attorney(s) of record. (ldi) (Entered: 03/17/2010)
03/18/2010	<u>3</u>	ORDER TO SHOW CAUSE FOR A PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER AGAINST DEFENDANT: It is hereby ordered that Defendant American Express Company show cause on 3/26/2010 at 10:00 AM in Courtroom 21A, 500 Pearl Street, New York, NY 10007 before Judge Naomi Reice Buchwald, why an order should not be entered pursuant to Rule 65 of the F.R.C.P. granting declaratory, injunctive and interim relief against Defendant Amex. Show Cause Response due by 3/23/2010. (Signed by Judge Richard M. Berman, Part I, on 3/18/2010) (jpo) (Entered: 03/18/2010)
03/19/2010	<u>5</u>	AFFIRMATION of Service of Peter Lindner re: <u>3</u> Order to Show Cause, Temporary Restraining Order I Complaint. Document filed by Peter W. Lindner. (Attachments: # <u>1</u> part 2)(mbe) (Entered: 03/23/2010)
03/22/2010	<u>4</u>	NOTICE OF CASE REASSIGNMENT to Judge Sidney H. Stein. Judge Naomi Reice Buchwald is no longer assigned to the case. (ldi) (Entered: 03/22/2010)
03/22/2010		Mailed notice re: 4 Notice of Case Assignment/Reassignment to the attorney(s) of record. (ldi) (Entered: 03/22/2010)
03/23/2010	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Berkshire Hathaway Inc. as Corporate Parent. Document filed by American Express Company. (mro) (Entered: 03/24/2010)
03/23/2010	<u>7</u>	MEMORANDUM OF LAW in Opposition to Plaintiff's Order to Show Cause for a Preliminary Injunction. Document filed by American Express Company. (mro) (Entered: 03/24/2010)
03/23/2010	<u>8</u>	DECLARATION of Carol V. Schwartz in Support re: 7 MEMORANDUM OF LAW in Opposition to Plaintiff's Order to Show Cause for a Preliminary Injunction. Document filed by American Express Company. (mro) (Entered: 03/24/2010)
03/23/2010	<u>9</u>	DECLARATION of Joseph N. Sacca in Opposition to plaintiff's Order to Show Cause for Temporary and Interim Relief. Document filed by American Express Company. (mro) (Entered: 03/24/2010)
03/25/2010	<u>10</u>	ENDORSED LETTER addressed to Judge Sidney H. Stein from Peter W. Lindner dated 3/24/10 re: counsel requests an extension by two days until Friday, March 26, 2010 at 5 p.m. to submit a reply to Amex, with which my adversary concurs. ENDORSEMENT: So Ordered. (Signed by Judge Sidney H. Stein on 3/25/10) (djc) (Entered: 03/25/2010)
03/26/2010	<u>16</u>	PLAINTIFF CROSS-MOTION AND REPLY TO AMEX RESPONSE ON ORDER TO SHOW CAUSE. Document filed by Peter W. Lindner. (Attachments: # <u>1</u> PART 2)(mbe) (Entered: 04/09/2010)
03/30/2010	<u>18</u>	EXHIBIT 1 Inadvertently left out of Document submitted on 3/26/10. Document filed by Peter W. Lindner.(kj) (Entered: 04/14/2010)
03/31/2010	<u>13</u>	MOTION that the court will accept several documents that are mentioned in application/for OSC. Document filed by Peter W. Lindner.(mbe) (Entered: 04/05/2010)
04/05/2010	<u>11</u>	ORDER: For the reasons set forth on the record today, plaintiff's motion for a preliminary injunction [dkt. 3] was consolidated with a trial on the merits of this action, see Fed. R. Civ. P. 65(a)(2), and, after trial, the Court finds in favor of defendant and denies the requested permanent injunction. The clerk of court is directed to enter judgment in defendant's favor and close this action. (Signed by Judge Sidney H. Stein on 4/2/2010) (tro) (Entered: 04/05/2010)
04/05/2010		Transmission to Judgments and Orders Clerk. Transmitted re: <u>11</u> Order, to the Judgments and Orders Clerk. (tro) (Entered: 04/05/2010)
04/05/2010	<u>12</u>	MEMO ENDORSEMENT on NOTICE OF MOTION. ENDORSEMENT: Motion denied for the reasons set forth on the record today. (Signed by Judge Sidney H. Stein on 4/2/2010) (tro) (Entered: 04/05/2010)
04/06/2010	<u>14</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated April 2, 2010, judgment is entered in defendant's favor; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 4/6/10) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 04/06/2010)
04/06/2010	<u>15</u>	REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL. Document filed by Peter W. Lindner.(mbe) (Entered: 04/07/2010)
04/06/2010		Mailed notice of Right to Appeal re: <u>14</u> Clerk's Judgment, to Pro Se Litigant(s): Peter W. Lindner. (ajc) (Entered: 04/08/2010)
04/06/2010	<u>20</u>	NOTICE OF APPEAL from <u>14</u> Clerk's Judgment. Document filed by Peter W. Lindner. Filing fee \$ 455.00. (tp) (Entered: 04/16/2010)
04/06/2010		Appeal Remark as to <u>20</u> Notice of Appeal filed by Peter W. Lindner. NO FEE. IFP GRANTED 4/12/10. (tp) (Entered: 04/16/2010)

04/14/2010	17	ENDORSEMENT on (Doc# 15) Request to Proceed In Forma Pauperis on Appeal, I.F.P. REQUEST IS GRANTED. (Signed by Judge Sidney H. Stein on 04/12/2010) The Pro Se Office Has Mailed Copies". (kj) (Entered: 04/14/2010)
04/14/2010	19	TRANSCRIPT of proceedings held on April 2, 2010 11:15 a.m. before Judge Sidney H. Stein. (ajc) (Entered: 04/15/2010)
04/16/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>20</u> Notice of Appeal. (tp) (Entered: 04/16/2010)
04/16/2010		Transmission of Notice of Appeal to the District Judge re: <u>20</u> Notice of Appeal. (tp) (Entered: 04/16/2010)